

## **A LOOK INTO THE MARIN COUNTY PROBATION DEPARTMENT**

### **SUMMARY**

The purpose of the Marin County Probation Department is defined by their mission statement: "The mission of the Marin County Probation Department is to reduce the impact of crime in the community by providing accurate and comprehensive information to the Courts, by providing community-based sanctions and treatment for offenders, and by working cooperatively with law enforcement agencies and community organizations with similar objectives." The department is comprised of four divisions: Adult, Juvenile Services, Juvenile Hall and Mediation Services.

The Grand Jury found that, although there are dedicated employees in the department, many with over 15 years of service, there has been significant dissatisfaction. It appears to the Grand Jury that there is a disproportionate number of grievances, complaints and lawsuits. Many of these actions seem to be related to department promotion and work assignment policies. The Grand Jury found evidence that the department has several initiatives to address issues related to these problems and encourages the department to complete their implementation soon. The Probation Department, the Human Resources Department and County Counsel's office need to jointly develop a plan to resolve this dissatisfaction before it leads to additional formal complaints and lawsuits.

The Grand Jury was impressed with the effectiveness of six programs in the Juvenile Services area that have been funded by the State through the "Juvenile Justice Crime Prevention Act of 2000." These programs involve many other agencies in the county, e.g., the Marin County Board of Education.

Efforts are underway at Juvenile Hall to reduce average detention time, provide food service in the cafeteria rather than on trays in the rooms and improve exercise facilities. Both unit supervisor positions have been filled for several months with "acting" supervisors. These positions need to be filled permanently to ensure continued progress.

A very useful and effective service is provided by the Mediation Services Division. However, the fee structure has not been revised since 1979 and seems to the Grand Jury to be very low, particularly for citizens at the higher income levels. The Grand Jury recommends that the fee structure be reviewed soon, particularly in light of the current budget crisis.

## **BACKGROUND**

The Grand Jury is required by law to review county government operations on a “regular basis.” The operation of Juvenile Hall has been the subject of prior Grand Jury investigations, but the operation of the rest of the department had not been reviewed in over 15 years. Since the Chief Probation Officer (CPO) has been in place only about 18 months, the Grand Jury believed that a review of department operations might assist in identifying areas for improvement.

A Probation Department exists in all counties in California. In many of the counties the Chief Probation Officer (CPO) is hired by the Superior Court and works for the Court but is paid by the county. In a few counties, including Marin, the CPO is hired by the Board of Supervisors and works for them even though the department provides services for the courts. In Marin there is a formal Memorandum of Understanding (dated 2000) between the Board of Supervisors and the Court that defines each party’s role and responsibilities.

## **METHODOLOGY**

The Grand Jury conducted many interviews among all the job levels in the Probation Department. It also conducted interviews with personnel from the Superior Court, the County Counsel and the Human Resources Department.

The Grand Jury reviewed the following documents:

- Job description for “Deputy Probation Officer I-IV” dated 9/30/2002.
- Job description for “Group Counselor I/II” dated 4/14/2002.
- Job description for “Group Counselor III” dated 9/3/2002.
- Job description for “Probation Supervisor” dated 4/2/2000.
- Mediation Services information pamphlet.
- Mediation Services “Mediation Rules and Information for Mediation Clients.”
- Mediation Services “Service Request Form” dated 12/97.
- Adult Division descriptive pamphlet.
- “Juvenile Justice Crime Prevention Act of 2000,” a report dated October 2002.
- Marin County Probation Department Administrative Manual, draft of Chapter 18, “Policy Statement on Work Assignments.”
- “Policy Statement on Promotions,” e-mail from the Chief Deputy Probation Officer to the Chief Probation Officer dated 10/2/2002.
- Draft memorandum, “Establishing Job Requirements.”
- Draft Performance Worksheet for Probation Officer II in the Supervision Unit.
- Second draft of “Policy Statement on Transfer Requests.”
- Draft “Memorandum of Understanding Between the Marin County Superior Court and the Marin County Board of Supervisors.”
- Various organization charts and job placement schedules.

The Grand Jury wishes to thank all the personnel for their open and helpful participation in this investigation.

## DISCUSSION

The Probation Department provides investigative services for the courts, supervision of adult and juvenile offenders who are on probation, close supervision of county parolees, administration of special programs such as Proposition 36 (The Substance Abuse and Crime Prevention Act of 2000), housing of juvenile offenders at Juvenile Hall, various training and after-school programs for juveniles at risk, and mediation services (landlord/tenant disputes, etc.) for county residents.

There is a perception that the process for handling personnel complaints is somewhat dysfunctional. When a complaint is reported to the Human Resources Department, the investigation is taken out of the hands of the management of the Probation Department. This essentially eliminates any problem solving efforts within the Probation Department and, in the opinion of some exacerbates the problem.

In Marin, the Probation Department has four major divisions: 1) Adult; 2) Juvenile Services; 3) Juvenile Hall; and 4) Mediation Services. Each of these functions requires a different set of job knowledge, standards, procedures and personal skills.

### Probation Department Staffing and Organization

Chief Probation Officer, Chief Deputy Probation Officer				
	Adult Division	Juvenile Services Division	Juvenile Hall	Mediation Services Division
<b>Personnel</b>	51	34	22	5 and 30 volunteers
<b>Budget (approximate)</b>	\$4,700,000	\$3,860,000	\$2,220,000	\$270,000
<b>Caseload</b>	3,100 under supervision and 260 in Work Program	520 under supervision	Average daily population 20-25	18,000 calls/yr. and 550 completed mediations
<b>Major Units</b>	Felony Investigations, Misdemeanor Investigations, Parole/Alternate Work Programs, Supervision, Special Programs, Legal Process Servers	Intake Supervision, Placement, Systems of Care, Support Staff		

At the request of the Grand Jury, the CPO gathered data from three surrounding counties about their caseloads. It appears that Marin is about in the middle of the pack. The following table shows that Marin's DPO caseload is not out of line with that of the surrounding counties.

### **Caseload per Deputy Probation Officer**

	<b>Marin</b>	<b>Contra Costa</b>	<b>Solano</b>	<b>Santa Cruz</b>
<b>Adult Supervision</b>	110	80-85	160	200
<b>Administrative Supervision</b>	780	300-450	300	1500
<b>Adult Felony Investigations</b>	10/mo.	14/mo.	20/mo.	8/mo.
<b>Juvenile Supervision</b>	50-60	35-40	80	50-80
<b>Population</b>	247,000	949,000	395,000	1,683,000

The professional probation work is done by Deputy Probation Officers (DPO) and, in Juvenile Hall, by Group Counselors (GC). There are four levels of DPO, I-IV. DPO I is the entry level and most move to DPO II within a year. DPO II is the journey level for the job. The DPO III level is the "advanced journey level" and is expected to work with little supervision and to act as lead worker for sub-unit programs. The DPO IV level is the "senior" journey level and has "ongoing" lead worker responsibilities. Additionally, this level may serve in the absence of the Probation Supervisor and may perform specialized assignments. The Group Counselor levels in Juvenile Hall have parallel job descriptions.

The Probation Supervisor is the full supervisory level in the professional Probation Department job series. To be advanced to the Probation Supervisor level the candidate must have 4 years of experience as a DPO or Group Counselor in Marin County with at least 2 years at the DPO III or IV or the GC III level.

During the investigation, the Grand Jury received a variety of responses to questions along the lines of "how is the department functioning?" Many felt that the department was a great place to work, but some had major complaints. The complaints seemed to be related mostly to promotions and work assignments with several complaints, grievances and lawsuits for discrimination being filed against the department. It is interesting to note, however, that there are many employees in the department with over 15 years of service. This may be an indication that people like the work. It also leads to many candidates for the limited promotional opportunities; and not all will be satisfied with the selection results.

The CPO has initiated several process changes that are intended to improve training and evaluation and provide job standards for all jobs in the department. Significant efforts are underway to write job requirements and develop Performance Worksheets for each class of job based on those requirements.

Although the Grand Jury did not look at individual personnel files, it heard plenty of anecdotal evidence of "annual" performance evaluations being done sporadically and in

some cases only if a job transfer was imminent. Promotion requirements, including **current** performance evaluations, are only now being formalized and written.

Overall, it is apparent that these initiatives are under way and the pace of their implementation has increased under the new management. Many think the direction will improve the department. One person said, "I'm a cynic, but now I am an optimistic cynic." The Grand Jury did find some resistance to the changes and some feeling of "it is not needed" or "it won't do any good." The Grand Jury feels that, in the long run, better documentation of expectations and performance will improve the functioning of the department, including the selection process.

## **ADULT DIVISION**

The Adult Division is the largest within the Probation Department. It has a staff of 51, has an annual budget of almost \$4.7 million and supervises about 3100 adults and 260 in the Adult Work Program. The division has several different functions including felony and misdemeanor investigations, supervision, jail alternative programs and collaborative programs.

During most of the Grand Jury's investigation, the Adult Division had an extra probation supervisor position "borrowed" from Juvenile Hall to start up and supervise the Proposition 36 and Support and Treatment After Release (STAR) programs. This left the Juvenile Hall short a supervisor and, in the opinion of the Grand Jury, resulted in at least two supervisors in the Adult Division with very small groups to supervise. With the recent retirement of a supervisor in the Adult Division, there have been personnel reassignments; and the supervisor position has been "returned" to Juvenile Hall. This was needed, but the position has not yet been filled.

In addition to the supervisor workload imbalance, there seems to be an imbalance in the experience level among the units. The Felony Investigations Unit has five DPO IVs, the senior level, while the Supervision Unit has none. In the Supervision Unit the DPO IIIs and DPO IIs appear to be doing exactly the same work. Not all DPO IVs are doing "lead" or "special project" work.

When the Grand Jury asked about promotion, job assignment and transfer policies, it heard a variety of answers ranging from "who you know" to "beats me." While there seemed to be more of these issues in the Adult Division, the other divisions were not without confusion. The Grand Jury believes that the lack of written policies leads to dissatisfaction with job assignments and eventually to complaints and grievances.

Interviews with the division management indicate that the current management is aware of these issues, if not the depth of disenchantment. Initiatives are in progress to address some of the problems. Each unit is working on establishing job requirements that are related to goals and objectives for programs, and tasks and standards for each job. In

addition, a training manual has been put on-line. It is a good start, and the Grand Jury encourages the division to speed up the implementation.

### **JUVENILE SERVICES DIVISION**

The Juvenile Services Division provides a multitude of services to juveniles (under 18 years of age) charged with or convicted of criminal activities. The division has a total staff of 34, an annual budget of about \$3.9 million and supervises about 520 juveniles.

Most of the employees are located at Juvenile Services Center off Lucas Valley Road on Jeannette Prandi Way. The employees like the location and facilities. There is plenty of room; and there are several areas such as the lunchroom that allow for comfortable, informal meetings. The location, like that of Juvenile Hall that is nearby, is somewhat remote and not well served by public transportation. This causes some access difficulty for clients that use public transportation. Additionally, some concern was expressed about overall security. The doors are locked; and there is a receptionist on duty during business hours. However, the parking is not secure; and there is no fence or other physical barrier to prevent forced entry. There have been no incidents, but because there is no police station nearby, response to a disturbance could take too long.

The work of the Juvenile Services Division has a wider scope than does that of the Adult Division. Juvenile probation officers are involved with the offender from the time of arrest rather than only after conviction, as in the Adult Division. The juvenile officers have fairly broad discretion in handling each offender, from conditional release to detention at Juvenile Hall. The initial contact is usually with an "intake" probation officer. This unit has been developing a risk assessment program to make the initial handling of offenders more standardized among the various DPOs. A further goal of this standardization is to try to reduce the detention time of the offender without sacrificing public protection.

Each of the seven high schools in the county has a DPO assigned to it. These DPOs have offices at the schools as well as at the Juvenile Services Center. This allows the DPOs to more closely follow their cases and reduces the disruption for the students who must see a probation officer.

A major effort in this division is participation in programs funded by the State through the "Juvenile Justice Crime Prevention Act of 2000." The overall goal of the Act and these programs is to prevent delinquency. The law requires all programs be measured on six mandatory objectives (Arrest Rate, Incarceration Rate, Violations of Probation, Successful Completion of Probation, Completion of Restitution and Completion of Community Services). The Probation Department, in collaboration with Marin County Office of Education, Marin County Department of Health and Human Services, Division of Mental Health and Social Services, Juvenile Drug Court and other community partners, implemented six programs. The programs are:

- Expanded Mental Health Services at Juvenile Hall
- Marin Juvenile Drug Court Expansion
- Expanded Services at the County Community School
- Expanded Services at Phoenix Academy
- Victim/Offender Restorative Justice Program Expansion
- Huckleberry Youth Program Family Service Program Expansion

The Probation Department evaluated each of these programs in October of 2002 using the guidelines from the State. Eighty-three percent of all program objectives were met. Each program proved to be effective in its first full year of activity. A detailed discussion of each of these programs and the results can be found in the October 2002 report on the Crime Prevention Act of 2000.

### **JUVENILE HALL**

Juvenile Hall is headed by a Superintendent, has a staff of 22, an annual budget of about \$2.2 million and an average daily population of 20-25 juveniles.

Juvenile Hall is the county detention center for juvenile offenders. It is located near the Juvenile Services Center on Jeannette Prandi Way. This location is somewhat remote and does not have public transportation close by. It is difficult for some parents to be able to visit their children and meet with counselors.

Most of the personnel issues that have affected the operation in the past have been resolved. However, both of the approved supervisor positions have been filled for several months by "acting" supervisors. This situation has come about because of the transfer of one supervisor to the Adult Division and the promotion of the other supervisor. These supervisor positions are likely the most difficult in the department as the supervisors are on call 24/7. Although the acting supervisors seem to be doing a good job, these positions need to be filled permanently for the sake of efficiency and fairness.

There is an on-site dining room that is not currently being used because of insufficient staff to provide supervision. A kitchen produces the meals for all of the detainees. The menu and meal planning is supervised by the nutritionist for the County Jail. This assures that the food meets State nutritional standards and is varied and of good quality. The meals are delivered to the detention areas in plastic "hot boxes," and detainees eat in their rooms. The new Superintendent is working to being able to serve meals in the dining room. He has asked for approval to fill vacant staff positions so that enough staff is available to supervise groups eating in the dining room. He feels that this will improve the morale and provide more social time for the detainees.

## **MEDIATION SERVICES DIVISION**

The Mediation Services Division is something of an orphan. It provides very useful and valuable services to the County; but these services are not directly related to the mission of the Probation Department. The division has a staff of about five augmented by 30 volunteers, an annual budget of \$270,000, answers about 18,000 requests for information per year and completes about 550 mediations per year.

The service “helps neighbors, consumers, tenants, landlords, business and professional people resolve their differences.” Referrals come from the courts, police departments, the humane society, city halls, Legal Aid, the Probation Department, the Board of Supervisors, and self-referrals. The most common mediation issues concern housing and divorce. The service is available to all Marin County residents.

There has been an attempt, within the Probation Department, to involve Mediation Services in juvenile Victim/Offender restitution cases. The program has not had the response that was expected. The Grand Jury did not have time to investigate this area as much as it would have liked. It appears that there may be additional areas in which the training and expertise of the Mediation Services staff could be of use to the department.

One thing that struck the Grand Jury as needing increased attention is the mediation services fee schedule. It understands that these services need to be available to those residents who have the least ability to pay, but the sliding fee schedule seems inadequate. The filing fee is only \$5.00, and the maximum fee for a gross family income of over \$100,000 is only \$80 per hour. Indications are that this low fee structure may encourage many who could afford significantly more to use the service. These fees have not been revised since 1979. It was unclear what stands in the way of revising these fees; but there does not seem to be a clearly defined process for reviewing and changing the fees. If these fees are an indicator of a general lack of a process to review all county fees on a regular basis, a better process should be established countywide.

## **FINDINGS**

1. Most of those interviewed both inside and outside the Probation Department believe that the Chief Probation Officer and his deputy are headed in the right direction by improving personnel practices, enhancing services to juveniles, and strengthening relations with the Court.
2. A long-standing lack of written tasks and standards and measurable performance criteria is being addressed and an on-line training manual has been installed.
3. Some employees expressed dissatisfaction with the promotion process, described at best as poorly defined and at worst as unfair.



4. There has not been a clear policy on intradepartmental transfers. Many employees, especially in the Adult Division, feel they have little input in their unit assignments or career paths.
5. There is a large number of personnel grievances and complaints relative to the size of the department.
6. There is a perception that the current personnel complaint and grievance processes limit the role of the Probation Department in problem solving.
7. Some believe that recent monetary settlements have fostered additional grievances and lawsuits.
8. In the Adult Division Supervision Unit, the DPO II and DPOIII employees perform virtually identical work; tasks and standards are the same regardless of one's classification or tenure. There is no DPO IV in the unit to perform backup supervisory duties.
9. The five DPO IV employees in the Adult Division Felony Investigations Unit do not routinely perform lead worker assignments and/or coordination of sub-unit programs, as called for in the job description.
10. The department has made great strides in implementing programs to reduce juvenile delinquencies. It has made effective use of State funds for after-school and summer programs for juveniles on probation.
11. The two supervisory positions in Juvenile Hall have been filled on a temporary basis for several months.
12. The dining room at Juvenile Hall is not used due to lack of staff. This leads to detainees having to eat in their cells.
13. While most employees at the Jeannette Prandi Way complex are happy with their location, security at the buildings needs to be addressed.
14. The Jeannette Prandi Way complex is poorly served by public transportation.
15. The Mediation Services fee structure has not been revised since 1979.

## **RECOMMENDATIONS**

1. Accelerate the department's implementation of specific tasks, evaluation standards, and measurable performance criteria.

2. Formalize and distribute written policies on promotions and intradepartmental transfers.
3. In areas such as the Supervision Unit, consider establishing a "career ladder" to DPO III in order to eliminate pay inequities. Pursue changes in authorized staffing for DPO III positions, as warranted.
4. Evaluate the allocation of DPO IV positions in the Adult Division. Rather than having these positions concentrated in one unit, assure that each unit has supervisory back-up and that the DPO IV employees are performing the duties required by their job descriptions.
5. The Probation Department, the Human Resources Department and County Counsel must establish a clear policy on the Probation Department's role in the handling of the investigations of employee complaints and grievances.
6. Fill the vacant supervisory positions at Juvenile Hall as quickly as possible. (The Grand Jury acknowledges that such action is underway.)
7. Staff up to the extent necessary to permit use of the dining room in Juvenile Hall.
8. Review the adequacy of security at the Jeannette Prandi complex particularly that relating to response time if an incident should occur.
9. Increase the Mediation Services fee structure.

## **REQUEST FOR RESPONSES**

Pursuant to California Penal code section 933.05, the Grand Jury respectfully requests responses as follows:

- From the Marin County Board of Supervisors to each of the Findings and each of the Recommendations; and
- From the Marin County Sheriff to Finding 13 and to Recommendation 8.

Although not legally required, the Grand Jury also invites responses from the following:

- Marin Chief Probation Officer to all Findings and Recommendations
- Director of the Human Resources Department to Findings 6, 8 and 9, and to Recommendations 3, 4 and 5.
- The County Counsel Finding 6 and Recommendation 5.